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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,918	01/28/2002	Marian Marinescu	111823	1468
25944	7590	10/19/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NGUYEN, PHUOC H	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/055,918	<b>Applicant(s)</b> MARINESCU ET AL.	
	<b>Examiner</b> Phuoc H. Nguyen	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002 and 17 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/14/02 &amp; 9/5/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Re claim 1, the limitation “a system” in line 6 lacks an antecedence basis. For examination purposes, the examiner considers the limitation as “the system” as seen in line 1.
2. Re claims 2-20, these claims have the same antecedence basis rejections. The applicant is advised to review and make appropriate correction of these antecedence basis rejections.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuribayashi et al. (Hereafter, Kuribayashi) U.S. Patent 6,909,728.

5. Regarding claim 1, Kuribayashi discloses a system comprising a digital communication network for data transmission, comprising audio type data (Figure 1), between a master module (e.g. interface module in the Master node of Figure 1) and a plurality of slave modules (e.g. interface module in the Tx and Rx Nodes of Figure 1), each module comprising at least one network terminal to connect the communication network to the module (Figures 1 and 9) at least one network terminal of a slave module being connected to a network terminal of another module by means of the communication network (Figure 13, col. 12 lines 55-64), a system wherein the master module comprises a synchronization clock (e.g. word clock, WC) and supplies data frames comprising synchronization information on its network terminal (Figure 1; and col. 3 lines 40-55), each slave module comprising clock reconstitution means, from the synchronization information of the data frames received on its network terminal (Figure 11 disclose a system interface receive the data packet from the master node, synchronously with the coincidence signal, a Phase Locked-Loop (PLL) 76 generates word clocks WCK to audio data and supplies to the node system 72), and recognition means, synchronized by the associated clock reconstitution means, to recognize the data intended for (e.g. recognize by the sample count of Figure 1) said slave module so as to ensure synchronous transmission of the data within the system (col. 11 lines 53 through col. 12 lines 14).

6. Regarding claim 2, Kuribayashi further discloses the data frame comprises at least one packet, each packet comprising a header with a descriptor (e.g. sample count of Figure 1) of the type and number of data contained in the packet (e.g. sample data of Figure 1), a module comprising means for determining, from the descriptor, whether a part of the packet is intended for it (col. 5 1<sup>st</sup> paragraph).

7. Regarding claim 3, Kuribayashi further discloses the slave module comprises means for inserting data to be retransmitted over the network in a predetermined part of a packet (col. 5 lines 18-24).

8. Regarding claim 4, Kuribayashi further discloses the data frame comprises command data intended for a slave module comprising means for applying the command data to an input or an output of the slave module (e.g. in response to the sample count the node system reproduces process for the sample data) (col. 4 lines 5-8).

9. Regarding claim 5, Kuribayashi further discloses each module comprise an communication interface and further states communication interface is connected to the Internet which is used for transfer MIDI data, audio data, or video data, etc. over the Internet, which inherently teaches the data frame comprises a preamble, a destination address, a source address, and the data to be transmitted from the module associated to the source address to the module associated to the destination address (Figure 7; col. 15 lines 45-58).

10. Regarding claim 6, Kuribayashi further discloses the master module supplies as destination address a broadcast address to transmit data simultaneously to all the slave modules (e.g. Master node 1 broadcast data to all the slave nodes; Figure 13; col. 1 lines 35-37).

11. Regarding claim 7, Kuribayashi further discloses the master module supplies as destination address a multicast address to transmit data simultaneously to a predetermined group of slave modules (e.g. Master node 1 broadcast data to all the slave nodes; Figure 13; col. 1 lines 35-37).

12. Regarding claim 8, Kuribayashi further discloses the data frame comprises a header specific to the application comprising a clock incrementation field incremented each time a frame is transmitted by the master module (col. 3 lines 55-65).

13. Regarding claim 9, Kuribayashi further discloses the synchronization clock has a frequency that is not a sub-multiple of the data sampling frequency (col. 5 lines 32-42).

14. Regarding claim 10, Kuribayashi further discloses the communication network comprises chain-connected modules, a first network terminal of at least one of the modules being connected to a second network terminal of a first slave module comprising a first network terminal, itself connected to a second network terminal of a slave module that is connected in series with the first slave module (e.g. The master node transmits the data packets to the transmission node, the transmission node is then transmits the data packets receive to the receiving node as stated in col. 3 lines 56-65 is consider to be a chain-connected modules).

15. Regarding claim 11, Kuribayashi further discloses the communication network comprises star-connected modules, a network terminal of at least one of the modules being connected, by means of a switching unit, to a network terminal of at least two slave modules (Figure 13).

16. Regarding claim 12, Kuribayashi further discloses the slave module comprises means for transmitting a frame, without any modification (e.g. real time transmission), from one network

terminal to another network terminal of said slave module (e.g. transmission node transmits the real time data to the reception node; col. 9 lines 62 through col. 10 lines 3).

17. Regarding claims 13 and 14, Kuribayashi further discloses the communication network is an Ethernet type network, and the communication network is a two-way network (col. 15 lines 45-58).

18. Regarding claim 15, Kuribayashi further discloses the module comprises a digital audio input, said module comprising means for transmitting digital audio data received on its audio input to its network terminal at predetermined data frame locations (e.g. interface system receives the audio data from the transmission node, process the audio data and transmits it to the node system; col. 11 last paragraph through col. 12 1<sup>st</sup> paragraph).

19. Regarding claim 16, Kuribayashi further discloses the module comprises a digital audio output, said module comprising means for synchronization and recognition of the data intended for said output in the data frames received on a network terminal of the module, and means for transmitting said data on its digital audio output (col. 12 lines 4-14).

20. Regarding claim 17, Kuribayashi further discloses the slave module comprises an analog audio output connected to a digital-to-analog converter (col. 15 lines 25-31).

21. Regarding claim 18, Kuribayashi further discloses a loudspeaker connected to the analog audio output of the slave module (col. 15 lines 25-31).

22. Regarding claim 19, Kuribayashi further discloses the data frame comprises video type data (col. 15 3<sup>rd</sup> paragraph).

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23. Regarding claim 20, Kuribayashi further discloses the slave module clock reconstitution means comprise means for minimizing jitter comprising a recursive digital filter arranged up-line from a phase lock loop (col. 11 last paragraph through col. 12 1<sup>st</sup> paragraph).

### *Conclusion*

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okamura U.S. Patent 6,751,228

Juszkiewicz et al. U.S. Patent 6,353,169

Laksono Pub. No.: U.S. 2003/0156218

Velasco et al. U.S. Patent 6,115,823

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

October 3, 2005



DAVID WILEY  
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